

AF/GAU 2773

Patent #21

THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

3-5-01
B. Hilliard
10f3

In re the Patent Application of:)
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Goldschmidt Iki et al.)
)
Serial No.: 08/939,185)
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Filed: September 29, 1997)
)
For: GRAPHICAL USER INTERFACE WITH)
MULTIMEDIA IDENTIFIERS)
)
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Art Unit: 2773

Examiner: Cao Nguyen

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FEB 28 2001
Group 2100

Honorable Commissioner of
Patents and Trademarks
Washington, D.C. 20231

REPLY BRIEF
IN SUPPORT OF APPELLANT'S APPEAL
TO THE BOARD OF PATENT APPEALS AND INTERFERENCES

Sir:

Applicant (hereafter "Appellant") hereby submits this Reply Brief in triplicate in response to the answer of the Examiner, mailed January 11, 2001 in the above-captioned case. Appellant respectfully requests consideration of this Reply Brief by the Board of Patent Appeals and Interferences in this appeal and allowance of the above-captioned patent application.

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(37 C.F.R. § 1.8 (a))

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On February 22, 2001
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April W. Boley
Name of Person Mailing Correspondence

April W. Boley 2/22/01
Signature Date

Application No. 08/939,185
Docket No. 042390.P4500

I. INTRODUCTION

This Reply will address only Section 11 on pages 5-8 of the Examiner's Answer. The Answer addresses only Claim Groups I and II. For Claim Group IV, the Examiner repeats word-for-word the text presented in the Final Rejection of July 27, 2000. This rejection was fully treated in Appellant's Appeal Brief and will not be addressed further.

All analysis of the Examiner's Answer must begin with a clear presentation of the rejected claim. Claim 43 is representative of the claims in Group I to which most of the answer is addressed. It reads as follows:

A graphical user interface (GUI) for presenting data associated with an entertainment selection, comprising:

textual data about the entertainment selection received from a first one from among a plurality of different entertainment system data sources; and

a multimedia identifier corresponding to the entertainment selection and selectable to display entertainment system data about the entertainment selection receivable from a second one from among the plurality of different entertainment system data sources.

The specification illuminates the meaning of some of the terms in the claims in the context of specific examples. Of course, the examples provided in the specification should not be used to unduly limit the claims.

"Entertainment system data includes data related to entertainment selections. The entertainment selections may include programs, music selections, software applications, files, and other selections that may be made available to users via the entertainment system 100 (shown in Figure 1). Entertainment system data may include information describing an entertainment selection or other information related to the entertainment

selection. Examples of entertainment system data include television program information, radio station information, 'video-on-demand' program information, laser disc availability, compact disk availability, DVD availability, CD-ROM availability, VHS or 8mm tape availability, software application titles, IntericastTM broadcasts information, network identifiers such as Uniform Resource Locators (URLs), or other data." (Page 11, lines 3-13)

"According to one embodiment of the present invention, an identifier portion [of the parsed entertainment system data] may be "Title", "Actors", or "Source of Programming" and the data portion [of the parsed entertainment system data] may be the title of a movie, actors appearing in the movie, and the station where the movie may be viewed. According to a another embodiment of the present invention, the identifier portion may be "Program Theme Song", "Video Trailer", "Audio Trailer", "Images of Cast", "Program's Home Page", "Program's Newsgroup", or "Articles about the Program and Cast" and the data portion may include a location of where the information relating to the identifier may be found. For example, the data portion may include a location such as a local address of a graphics file or an audio file stored in the data storage device 232 (shown in Figure 2) that may be executed. Alternatively, the data portion may include a location such as an Internet address or an URL of a web server that includes a file that contains the information listed in the identifier portion." (Page 11, line 24 to page 12, line 9)

From the description of Figure 5 beginning page 14, lines 6 et seq., examples of multimedia identifiers include, "star shaped graphical images," "a graphical image of two movie reels" "a graphical image of a musical note," "a graphical image of two hands

giving a 'thumbs-up' and a 'thumbs-down'," "a graphical image of a magazine," and "a graphical image of a shirt, a cup, and a pennant."

"The multimedia interfaces 521-528 are shown to be graphical images. It should be appreciated that the multimedia interfaces 521-528 shown in Figure 5 are only examples and that according to the present invention, the multimedia identifiers may be configured to represent any image according to any shape or size. It should also be appreciated that the multimedia identifiers may be configured to be an animation, an audio clip, or other multimedia identifiers. The multimedia identifiers display entertainment system data in a friendly and intuitive format in contrast to its static text counterparts." (Page 15, lines 15-22)

II. PROGRAMMING A VCR USING HAND-DRAWN COMMANDS DOES NOT ANTICIPATE SELECTING A MULTIMEDIA IDENTIFIER TO DISPLAY ENTERTAINMENT SYSTEM DATA AS RECITED IN THE REJECTED CLAIMS.

Throughout the Answer, the Examiner has failed to specifically associate limitations of the claims with particular teachings of the reference. Appellant is accordingly unclear as to the arguments being made by the Examiner and unclear as to how best to reply to the Answer. At page 5, lines 12 et seq., the Examiner appears to argue that the portion of claim 43 that recites "a multimedia identifier corresponding to the entertainment selection and selectable to display entertainment system data about the entertainment selection" reads on Lopresti's on-screen programming feature of its "enhanced video user environment." More specifically, the Examiner appears to argue that Claim 43 reads on using hand-drawn commands to program a VCR to record. Appellant has searched through the text of Lopresti and is unable to find the Examiner's

quotation (it does not appear at Column 2, lines 20-52) or a description of using the hand-drawn commands for programming a VCR. However, Lopresti does teach that a VCR can be programmed by tapping on appropriate buttons of the remote control (Column 9, lines 51 et seq.) and that the hand-drawn commands can be used to "represent any desired control function" (Column 2, lines 1 et seq.).

Assuming *arguendo* that Lopresti suggests programming a VCR using the hand-drawn commands and that the Examiner is arguing this suggestion against the quoted section of Claim 43, the suggestion is insufficient to invalidate the claim and ignores much of what the claim recites. The quoted portion of Claim 43 is

"A GUI comprising ... a multimedia identifier corresponding to the entertainment selection and selectable to display entertainment system data about the entertainment selection receivable from a second one from among the plurality of different entertainment system data sources"

The "multimedia identifier" appears to be analogized to the hand-drawn command but the hand-drawn command is not selectable, it is drawn by the user, then transmitted from the remote. When transmitted, it does not display data about the about the entertainment selection (e.g. data about the movie or show), it commands the system to perform a function.

In addition, Claim 43 also recites in the quoted portion, "entertainment system data about the entertainment selection receivable from a second one from among the plurality of different entertainment system data sources" There is nothing in Lopresti to suggest displaying entertainment system data about the entertainment selection and there is nothing to suggest that this data come from a second source (a source different from the source of the textual data). As for VCR recording commands. Lopresti discusses VCR recording with respect to Figure 14 only. There is no suggestion in Lopresti of

presenting any data about an entertainment selection when programming the VCR. If the Examiner is interpreting the VCR as being a second source of entertainment system data, there is nothing in Lopresti to suggest that the VCR actually contains any data about an entertainment selection.

**III. SEARCHING FOR A USER ID BY TYPING IN A TEXT STRING
DOES NOT ANTICIPATE PRESENTING TEXTUAL DATA ABOUT AN
ENTERTAINMENT SELECTION AS RECITED IN THE REJECTED CLAIMS.**

At page 6 of the Answer, lines 6-13, the Examiner appears to read "textual data about the entertainment selection" from Claim 43 on a search text string entered by a user in order to find a user ID. The Examiner refers (without citation) to Lopresti, Column 8, lines 15 et seq. and lines 40-52 where it describes a user "Sign In panel." In Lopresti, as an alternative to entering a user ID, the user can key in a text string on the remote, transmit it to the controller and the controller will perform a search for user IDs based on the text string. The search results are shown on the monitor and the user then selects one of the search result IDs to sign in to the system.

While the cited section shows that Lopresti uses text, it does not suggest the limitations of the claims. Claim 43 recites, "a GUI for presenting data associated with an entertainment selection, comprising textual data about the entertainment selection." First, the text string does not present data, it is the argument of a query. Second, the text string used to search for a user ID is not about an entertainment selection, it is about a user. Third, the text string does not come from an "entertainment system data source" as recited in claim 43, it comes from the user.

As for the Answer at page 6, lines 14-17, Appellant's statement has been taken out of context. The statement in the Brief on page 11 was that "Appellant is unable to find any suggestion of a GUI for presenting program information in Lopresti Col. 4, lines 22-44." The Examiner's quotation from Lopresti in the Answer does not come from Col. 4, lines 22-44.

**IV. CONVENTIONAL A/V CABLING DOES NOT ANTICIPATE A
PLURALITY OF DIFFERENT ENTERTAINMENT SYSTEM DATA SOURCES
AS RECITED IN THE CLAIMS.**

Turning to Claim Group II and represented by Claim 55, the Examiner on page 6, line 18 to page 7, line 9 refers to Column 5, lines 20 et seq. of Lopresti where the interconnections between components of the Lopresti system are described. In addition to the standard A/V cabling of audio and video patch cords, Lopresti suggests that control signals can be transmitted from the controller using separate cabling or infrared signals. Accordingly "program content" or "program material" which is the audio and video signals of the entertainment selection can come from different sources. There is however, nothing in this or any other section of Lopresti to suggest that entertainment system data come in a plurality of different multimedia data formats. As recited in e.g. Claim 55, entertainment system data is "data associated with the entertainment selection." It is not the entertainment selection itself as discussed in Lopresti. As mentioned in Appellant's brief, Lopresti does not state how its controller obtains its programming guide and other program information, accordingly, it cannot anticipate the plurality of formats recited in the claims.

The Examiner has made no answer with respect to any of the other limitations of the Claims of Group II. Accordingly, even if the Examiner were correct and convincing in his application of Claim 55 to the reference, the rejection should be reversed on the strength of these other limitations.

V. OTHER MATTERS NOT ANSWERED


The Examiner has not addressed many issues raised in the Appellant's brief. Claim Group III is not addressed in the Answer and for Claim Group IV, the Examiner has raised no new issues. In addition, many of Appellant's arguments addressed to Claim Groups I and II were not discussed in the Answer. Appellant submits that the arguments originally submitted in support of those claims are convincing and sufficient and respectfully requests that the rejections be reversed on all claims.

VI. CONCLUSION

Appellant respectfully submits that all the appealed claims in this application are patentable and requests that the Board of Patent Appeals and Interferences overrule the Examiner and direct allowance of the rejected claims.

Date: 2/22, 2001

Respectfully submitted,
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